

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

Thersia J. Knapik, §  
*Plaintiff*, §  
v. § Civil Action No. 5:12-cv-00175-gwc  
§  
Mary Hitchcock Memorial Hospital, §  
*Defendant*. §

**AFFIDAVIT OF EDWARD M. KAPLAN, ESQ.**  
**IN SUPPORT OF DEFENDANT'S BILL OF COSTS**

Edward M. Kaplan, Esquire, being first duly sworn, does hereby depose and say as follows:

1. I am a Member of the law firm of Sulloway & Hollis, P.L.L.C., 9 Capitol Street, Concord, New Hampshire 03301, 603-224-2341, and am counsel to Mary Hitchcock Memorial Hospital in the above entitled action.
2. I submit this Affidavit in Support of Defendant Mary Hitchcock Memorial Hospital's Bill of Costs. I have knowledge that the costs submitted with Defendant's Bill of Costs are correct and have been necessarily incurred in the case and the services for which fees have been charged were actually and necessarily performed.
3. Judgment was entered in the above entitled action on February 5, 2015 against Thersia J. Knapik.
4. On April 6, 2015, plaintiff's Rule 59(c) Motion to Alter/Amend Judgment was denied.
5. Costs incurred necessary to this litigation include those itemized as follows:

Fees for printed or electronically recorded transcripts necessarily obtained for use in the case (Transcripts of depositions taken during discovery, submitted by either party in support of and/or in opposition to Defendant's Motion for Summary Judgment, including those provided in response to the Court's request, following the hearing on the Motion for Summary Judgment, for full copies of the deposition transcripts [ECF Doc. 147].)

DEPONENT/ WITNESS	DATE OF TESTIMONY	NECESSARY TO THE LITIGATION	TRANSCRIPT COST	INVOICE ATTACHED AT INVOICE PAGE
Baker, Terrie S.	05/29/2014	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-5]</li> </ul>	\$795.85	2
Bancroft, Robert	10/08/2014	<ul style="list-style-type: none"> <li>Deposition of Plaintiff's Economic Expert, necessary to the litigation</li> </ul>	\$493.00	3
Bernat, M.D., James L.	11/06/2013	<ul style="list-style-type: none"> <li>Submitted in support of Plaintiff's Memorandum in Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc. 143-11]</li> </ul>	\$249.60	4
Bertrand, M.D., Marc L.	05/16/2013	<ul style="list-style-type: none"> <li>Deposition of the Director of Graduate Medical education at the request of Plaintiff's counsel; necessary to the litigation.</li> </ul>	\$443.75 <sup>1</sup>	5
Clayton, Miriam	05/30/2014	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-6]</li> <li>Submitted in support of Plaintiff's Memorandum in</li> </ul>	\$1,035.75 <sup>2</sup>	6

<sup>1</sup> Invoice for Dr. Bertrand's deposition transcript is combined with the invoice for Karen Lee, Richard Freeman, MD, Kari Rosenkranz, MD, and Kerry Ryan.

<sup>2</sup> Invoice for Miriam Clayton's deposition transcript is combined with the invoice for Ronald Suciu

		Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc. 143-12]		
Cronenwett, M.D., Jack L.	09/08/2014	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Motion for Summary Judgment [ECF Doc. 139-3]</li> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-7]</li> <li>Submitted in support of Plaintiff's Memorandum in Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc. 143-13]</li> </ul>	\$321.40	7
Doe, M.D., K	08/27/2013	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Motion for Summary Judgment [ECF Doc. 139-4]</li> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-8]</li> <li>Submitted in support of Plaintiff's Memorandum in Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc. 143-14]</li> </ul>	\$1,541.00	8
Finlayson, M.D., Samuel R. G.	06/12/2013	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-9]</li> <li>Submitted in support of Plaintiff's Memorandum in</li> </ul>	\$306.25	9

		<p>Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc.143-15]</p> <ul style="list-style-type: none"> <li>Submitted in support of Defendant's Reply Memorandum [ECF Doc. 146-1]</li> </ul>		
Freeman, Jr., M.D., Richard B.	05/14/2013	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Motion for Summary Judgment [ECF Doc. 139-5]</li> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-10]</li> <li>Submitted in support of Plaintiff's Memorandum in Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc.143-16]</li> </ul>	See Dr. Bertrand above	5
Gallant, Alfred P.	08/23/2013	<ul style="list-style-type: none"> <li>Submitted in support of Plaintiff's Memorandum in Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc.143-17]</li> </ul>	\$112.50	10
Goodwin, M.D., Isak	08/30/2013	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Motion for Summary Judgment [ECF Doc. 139-6]</li> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-11]</li> <li>Submitted in support of Plaintiff's Memorandum in</li> </ul>	\$268.71 \$555.46	12 11

		Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc.143-18]		
Kispert, M.D., Paul H.	08/08/2013	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Motion for Summary Judgment [ECF Doc. 139-7]</li> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-12]</li> <li>Submitted in support of Plaintiff's Memorandum in Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc.143-19]</li> </ul>	\$164.40	13
Knapik, M.D., Thersia K.	04/09/2013	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-13]</li> </ul>	\$1,271.30	14
Lee, Karen G.	05/14/2013	<ul style="list-style-type: none"> <li>Deposition of Residency Coordinator for the General Surgery Residency Program at the request of Plaintiff's counsel; necessary to the litigation.</li> </ul>	See Dr. Bertrand above	5
Martin, Thorne	08/26/2014	<ul style="list-style-type: none"> <li>Deposition of Guest at the Plaintiff's residence the date she was notified of the privacy breach; necessary to the litigation.</li> </ul>	\$314.80	15
Mintzer, M.D., Ira L.	09/13/2013	<ul style="list-style-type: none"> <li>Deposition of Plaintiff's Liability Expert; necessary to the litigation</li> </ul>	\$837.00	16

Prock, Terasa, M.D.	10/02/2014	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Motion for Summary Judgment [ECF Doc. 139-8]</li> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-14]</li> <li>Submitted in support of Plaintiff's Memorandum in Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc. 143-20]</li> </ul>	\$818.86	17
Rosenkranz, M.D., Kerri	05/14/2013	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-15]</li> </ul>	See Dr. Bertrand above	5
Ryan, Kerry	05/16/2013	<ul style="list-style-type: none"> <li>Submitted in support of Defendant's Statement of Undisputed Facts [ECF Doc. 138-16]</li> </ul>	See Dr. Bertrand above	5
Suci, Ronald E.	05/30/14	<ul style="list-style-type: none"> <li>Submitted in support of Plaintiff's Memorandum in Opposition to Motion for Summary Judgment and Statement of Disputed Facts [ECF Doc. 143-21]</li> </ul>	See Miriam Clayton above	6
Transcript of Motion Hearing	November 7, 2013		\$43.20	18
Transcript of Motion Hearing	September 18, 2014		\$30.60	19
Transcript of Motion for Summary	January 7, 2015		\$288.15	20

Judgment Hearing				
	<b>SUB-TOTAL</b>			<b>\$9,891.58</b>

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME, CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Doe, K.D., MD	1	\$45.60 subpoena fee					\$45.60
Goodwin, Isak, MD	1	\$45.60 subpoena fee					\$45.60
Theresa L. Prock, MD	1	\$51.20 witness fee					\$51.20
	<b>SUB-TOTAL</b>						<b>\$142.40</b>

Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case				
MATERIALS	PAGES	COST PER PAGE	TOTAL COST	
Deposition Transcripts provided to Court on 01/12/2015	600	\$0.15	\$90.00	
	<b>SUB-TOTAL</b>		<b>\$90.00</b>	

The undersigned counsel for Defendants hereby verifies that the costs specified above:

- a. were all incurred in this matter;
- b. were all reasonably necessary to the litigation; and
- c. that invoices confirming the specific costs for transcripts are attached to this affidavit as Exhibit A.

The foregoing is true and correct to the best of my knowledge and belief.

Dated: May 11, 2015

/s/ Edward M. Kaplan  
Edward M. Kaplan